

1888-031 Chancery Causes: Lofton Nanness vs. Joseph Willis &
Lee Co.

Sage, Surgenor, Hagen, Pridemore, Hagen & Pridemore], Brayner

CA-Debt
T-Property

To the Hon Jno A Kelly Judge of the
Circuit Court of Lee County)

Humbly complaining sheweth unto
your honor your orator Loftin Warner
that heretofore on the 31st day of August
1877 he obtained a judgment against
Joseph Willis for ten dollars with
interest from the 16th day of April
1875 and one dollar costs, before Chas
Willoughby a justice of the said county
upon which an execution was issued
and has been returned "no property
found as will fully appear from
the warrant judgment and execution
filed as part of this bill marked "A."
Your orator further represents that
he has purchased and is the owner of
another judgment rendered by Stokely
Lawson a justice of the said county
on the 25th day of March 1876 in
favor of James D. Bloomer against
the said Joseph Willis for fifty
dollars with interest from the 21st
day of December 1874 till paid and
one dollar costs, upon which an
execution was issued and has
been returned "no property found"
as will appear from the judgment.

and execution filed as part hereof marked "B" Your orator further represents that he has purchased and is the owner of another judgment rendered on the 19th day of May, 1874 by Stokely Lawson a justice of the said county in favor of J. D. Sharp and David Mellen against Joseph Willis for Ten dollars with interest from the 4th day of April 1873 and Ninety cents costs, upon which execution was issued and has been returned "No property found" as will more fully appear from the warrant judgment and execution filed as part hereof marked "C".

Your orator further alleges that the said Joseph Willis did not pay the said debts at any time before they were assigned & purchased by your orator nor has he paid the same on any part thereof since they were purchased by your orator, neither has he paid any part of the debt of Ten dollars upon which judgment was obtained in your orator's name but that the whole of the aforesaid three judgments remain due and

* and your orator is advised and charges that the debts recense by said deed by trust have all been paid off & discharged by Willis and that the same is no longer a charge upon the land in any way and should be set aside ~~there~~ & cancelled so far as plaintiffs rights are concerned

unpaid ^{either} to your orator or to the said Sharp & Miller, and Bloomer whilst they were the owners of them

Your orator further represents that the said Joseph Willis is the owner of certain lands lying in Lee County Virginia which have been heretofore conveyed by deed of trust to W. W. Sage trustee for the benefit of A. R. Surgenor to secure the payment of certain debts therein recited all of which will more fully appear from a copy of the said deed filed as part hereof marked "Exhibit D". * Your orator further represents that the said lands will rent for enough within five years to pay his said debts interest costs & costs of such and that his executions having been returned "no property" he is remediless at law and has the right to come into a court of Equity to subject the land to rent or sale to pay his debts

The premises considered the prayer of your orator is that Joseph Willis, W. W. Sage trustee, and A. R.

Surgener be made partie's defendant
hereto and answer this bill, and
that your honor upon the hearing
of the cause decree that your orator
recover his said debts against the
said Joseph Will's, and that the
said lands or so much thereof as
may be necessary be sold
to pay his said debt and if it
will not run for enough to pay the
same in five years then that enough
of the same be sold to pay his debt
And if in any wise mistaken in
this his special prayer he prays
for such further and general
relief as his cause merits in a
Court of Equity)

May the Commonwealth's Court of Chancery

R. A. Ayers
Plff's attorney

C 7.57 to July 1874
 \$ 2.00
 89.59
 Dr. 6 9.44
 \$ 19.03

Often Married
 18 3 Bill Chen
 Jos Willis et al

1878, July, 8th Exacts & D. N.
 " Aug. Decree nisi Conf &
 set for hearing by Plff.
 1879, Mar Court.
 " Nov Decree & Court.
 1880, Court this year.
 1881, Mar. Dismissed to Plff.
 " Mar. Decree & Court.
 " Aug. continued.
 1882 Continued this year.
 1883, March, continued
 " Aug. 4 for Court.
 1884 Court this year.
 1885 Court this year.
 1886 Apr Decree dismissed

Virginia, Lee County---to wit:

To

H. H. Brazier

, Constable for Lee County:

I hereby command you to Summon

If to be found in your District, to appear at *Jonesville in the clerk's office* in the said county on the *30th* day of *August* *1877*, before me or such other Justice of said county as may then be there to try this warrant, to answer the complaint, of *David Miller for the principal of* *Lofton manuf* - - - and upon a claim for money, not exceeding \$50.00, exclusive of interest to wit: for the sum of \$ *10*, due by *do* and then and there make return of this warrant. Given under my hand, this the *27* day of *August* *1877*.

L. B. Duff J. P.

David Miller, for &c
against

Joseph Willis

JUDGMENT that the Plaintiff recover of the Defendant \$ *10.00* at *Jonesville*, with interest from the *16* day of *April* *1875*, till paid, and \$ *1.00* for costs

April

} *31st* day of *August* *1877*.
[In debt.]

at *Jonesville*

Charles Willoughby J. P.

Virginia, LEE COUNTY, TO WIT:—To *H. H. Brazier*

, Constable of said county:

I Command you, in the name of the Commonwealth of Virginia that of the goods and chattels of *Joseph Willis* in your county, you cause to be made the sum of \$ *10*—, with interest thereon from the *16th* day of *April* *1875*, till paid, which *David Miller, for &c* has recovered before *me* in a warrant in debt, and also, the sum of \$ *1.00* which were adjudged to the said *David Miller, for &c* for costs in prosecuting his said warrant.

Given under my hand, this the *31st* day of *Aug.* *1877*.

Charles Willoughby J. P.

David Millos

Vis

} Warrant

Joseph Will's p 10

Executed the
28 August 1877

By me

W. W. Brashier

Const

As property found
to satisfy this Execution
March Aug 1877

W. W. Brashier Const

" A "

VIRGINIA---LEE COUNTY TO-WIT:

To *France Miles*

Constable of said county:

I hereby command you to summon *Joseph Willis*
if to be found in your county to appear at *Jonesville*
in the said county on the _____ day of _____

1874, before me or such other

Justice of said county as may then be there to try this warrant to answer the complaint of

J. D. Sharp & David Miller

upon a claim of money not exceeding \$50 exclusive of interest, to-wit, for the sum of \$ *1.000*

due by *Note* and then and there make return of this warrant. Given under my

hand this *18* day of *May* 1874

J. P. Cox J. P.

JUDGMENT is granted in favor of the Plaintiff for the sum of \$ *10 00* with interest from the *4th* day of

April

1873 till paid, and \$ *90 cents* for costs. Given under my hand this *19th* day of

May

1874

Stokely Lawson J. P.

LEE COUNTY, TO-WIT:

To *France Miles*

Constable of said county:

I command you in the name of the Commonwealth of Virginia, that of the goods and
chattels of *Joseph Willis*

in your county, you cause to be made the sum of \$ *10 00* dollars and _____ cts,

with interest thereon from the *4th* day of *April* 1873 till paid, which

J. D. Sharp and Miller

has recovered before *me* in a warrant

in debt, and also the sum of *90 cents* dollars and cts, which were adjudged to the

said *const* for costs in prosecuting this warrant. Given

under my hand this *19th*

day of

May

1874

Stokely Lawson J. P.

Saml Miller & J. D. Sharp

Warrant

vs Joseph Willis

Executed May 1874
18

Francis Miles const
no property found
J. Miles ltr

60
30
100
1300
290
1390

I hereby agree to give to Francis Miles the
fruit of this warrant and this receipt executed to
me for the debt.

Virginia, Lee County, To-wit:---

To

H. H. Brasen

Constable for said County:

I HEREBY COMMAND YOU TO SUMMON

Joseph D. Willis

If to be found in your district, to appear at

John Edwards

in the said county on the

11th day of *April*

187

, before me or such other Justice of said county as may then be there to

try this warrant to answer the complaint of

James D. Bloomer

and upon a claim for money not

exceeding \$50.00, exclusive of interest, to-wit: for the sum of \$ *11.00*

due by

5th

and then and there

make return of this warrant. Given under my hand, this *11* day of

187

J. P.

against

}

[In debt.]

day of

187

at

JUDGEMENT that the Plaintiff recover of the Defendant \$ *500*

, with interest from the *21st* day of

December

1874, till paid, and \$ *100* for

costs

J. P.

Stokely Garrison

Virginia, Lee County, To-wit:---

TO

H. H. Brasen

CONSTABLE OF SAID COUNTY:

I Command you, in the name of the Commonwealth of Virginia, that of the goods and chattles of

Joseph D. Willis

in your county, you cause to be made the sum of \$ *500*, with interest thereon

from the *21st* day of *December*

1874,

till paid, which

James D. Bloomer

has recovered before

me

in a warrant in debt, and also the sum of \$ *100* which

were adjudged to the said

cost

for costs in prosecuting

said warrant.

Given under my hand, this *15th* day of

April

1876.

Stokely Garrison J. P.

James H. Blount

My dear friend

I have been in the

country this 20th month

of the 11th. I have been

to the river and to the

source on the 11th.

to prof. int. found to enter

by the 11th in 20th month

this day of Nov. 11th

W. H. Blount const

Filed May 10th 1876

1st 11th, C. H.

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County Va.

Your Petitioners Patrick Hagan and A. L. Ridmore
partners practicing law under the firm style
and name of Hagan & Ridmore humbly com-
plaining respectfully represents that heretofore
to wit at the Aug. Term 1872. of your Honor
Court, one B. D. Martin who came for the ben-
efit of your petitioners obtained Judgment
against one Joseph Willis of this County, for
the sum of \$25. and legal interest thereon
from the 25th day of Nov. 1861, till paid and the
costs \$7.00. This Judgment was duly docketed
and became a lien from that on the real
estate of the said Willis - There was also a
decree rendered in a chancery cause of one
Honey Hamilton against said Willis in which
the sum of \$15. was decreed your petitioners
this decree became operative as a Judge-
ment lien on the real estate of said Willis
situated in said County. They allege that one
Loftin Mauney has filed his bill in this Hon-
orable Court seeking to enforce certain Judge-
ment liens against said ~~Willis~~ Willis real es-
tate. They allege that their judgments are

order or paper being to the said Judgements thus
 ought to be enforced against said Miller
 Copies of said Judgements will in due
 time be filed herewith and are prayed to be con-
 sidered as part hereof. They pray to be made
 parties to this suit and permission to enforce
 their said claims against said Land on which
 they are advised they hold superior equities.
 And as in duty bound they will ever pray

Hagar & Freeman

Hagar & Freeman

vs Petitioner

Joseph Miller -

Defendant

To the Honorable John A. Kelly Judge of the
Circuit Court of Lee County.

Your Petitioner H. H. Brazier humbly com-
plains sheweth unto your Honor, that one
Loftin Maness has filed his bill in this
Honorable Court against one Joseph Willis
and others, seeking thereby to enforce certain
Judgements therein named & set forth, against
certain real estate owned by the said Willis
in this County. Your petitioner does not
gain say the right of the pliff to so proceed.
But your petitioner begs leave to state, that
at the Aug. Term 1870, of the Court of this
County Alexander Hamilton who sued for the ben-
efit of your petitioner obtained Judgement for
the sum of \$100. and legal interest thereon, from
the first day of Jan. 1866 until paid and the
Costs at Law \$14.22. upon this Judgement
on the day of 187 there was paid
your petitioner the sum of \$. and the
residue thereof is still unpaid and now due
your creditor. Your petitioner alleges that his
said Judgement was duly & properly asch-
ted in the Judgement Lien docket of
said County, and is older in point of time
and prior in point lien to the said Judgements

sought to be enforced by said plffs as
of course. ~~They~~ say as he is advised that his
said judgement lien should first be paid
before the judgement sought to be enforced
A copy of the judgement herein refers to
will in due time be filed herewith as a
part of this petition. His prayer therefore is
that he your petitioner be allowed to be made
a party plff to said mortgage, will and
have therein enforced his said judgement
lien. And as in duty bound your petitioner
will as in duty bound ever pr.

H. H. Brashear
by Hagan & Newman

H. H. Brashear

23 Petition

Joseph Miller et al

Filed Dec 1879

Vol 11 Page 106

X enclosed away so that he did not have to be going in the morning
layed in with, closed of to rest morning & 24 respondents lost, so as to
what he did have to pay and fully satisfy the same. This respondent wishes to
him enforce

To the Honorable John R. Kelly, Judge of the
Circuit Court of Lee County, Virginia.

The separate answer of A. R. Sargen to
a bill filed in this Honorable Court against
him and others by Capt. W. M. Sargen.

This respondent saving the benefit of all
exceptions which may be taken to plaintiff's
bill on its final hearing for answer says that
it is true that he is the beneficiary in the
Deed of Trust described in the plaintiff's
bill and that each and all the sums
of money therein secured to this respondent
are still due and owing and every
part thereof from his co-defendant
Joseph Willis, and he answers that it is
 untrue that said deed of Trust or any
part thereof has been paid.

Having now
answered plaintiff's bill as fully as he
is advised is necessary he prays himself
be dismissed with his costs.

Wm A Orr for
Capt. A. R. Sargen.

Seems to before me Dec 2nd 1877.

James W. Orr Clerk

A. P. Surgenor ^{10m}

also } Insured

Laurens Mason

Filed Dec 2nd 1877

per H. O. Clark

To the Hon. John B. Kelly, Judge of the
Circuit Court of Loud County.

The answer of Joseph Willis to a Petition
of Hagan & Pickens attorneys &c filed
in the Chancery Cause of Laffin Hagan
against this Respondent now pending in
the Circuit Court of Loud County. Reserving
all legal exceptions to said Petition
and Answering Says That the 25th
Judgment sought to be enforced by said
Petition was rendered against your
respondent for a part of the price of a
piece of land which he purchased
from one B. D. Martin who has
never been able to make your
respondent a title to said land,
and for which reason your
Respondent heretofore applied to
your Honor for an injunction
the object of which was to enjoin the
collection of said Judgment which
Bill of Injunction was granted
and is now pending in this
Court. Your Respondent is advised
that he should not pay this Judgment
until he gets a title to the land.

As to the Attorneys fee of \$50 which
Petitioners are seeking to enforce, is not

saving by your Respondents so far
as he knows or is advised and
is not on him upon his land
and he therefore desires that the
Petitioners be held to strict proof
of the allegations of their Petition.
Having now answered your
Respondents prays to be hence
dismissed with his costs.

Ours for
Superior

Virginia, Lee County, to wit.

That day Joseph Willis personally appeared before
me and made oath that the facts stated in the fore-
going answer so far as they depend upon his own
knowledge are true and so far as stated upon informa-
tion derived from others he believes them to be true.
Given under my hand March 30th 1881.

James H. Orr Clerk

Joseph Willis

Answer to
ads } Petitions of
J. Hagan & Pridemore

Letters Manus

Feb 1881
J. H. C. 1881

To the Hon. John A. Kelly Judge of the circuit
Court of Lee County.

The Answer of Joseph Willis to
a Petition of H. H. Brasher filed in a
Suit in Chancery of Leffler Womers against
Respondent now pending in this Court
and for Answer says that the Judgment
set up by Petitioner is correct, but he
says that it is not true that there is
no more than \$75— paid on the
same and says that he paid the
Petitioner a cash on the same at the
price of \$15— on the 27th of Nov. 1880
and took a receipt for the same
here filed marked "A"; and he
says that on the day of 18th,
he paid him fifty bushels of
corn at the price of \$25—
which is credited on the original
Judgment a copy of which is
filed here marked "B." Respondent
further states that upon a settlement
he does not owe Petitioner any
thing & prays to be dismissed with
his costs.

Ovr for
Self

The within Annex was this day sworn to before
me by Joseph Willis to be true so far as the facts
stated depend on his own knowledge, and so far
as stated upon information derived from others
he believes them to be true. Given under my
hand. March 30th 1881.

James W. Orr, Clerk

Joseph Willis
Answer to
ado J. Brainerd
Petition

Loflin Manus

Filed Dec 1881
Jas H. Smith

From Father's

Debit

Excise on spirits

riders for cotton

This 1st Nov 1870 H.H. 13/10

"A"

Loftui Manus Dep.

Against

(In Chy.

Joseph Willison & Co.)

On the Motion of the plff in
this Cause, the same is assigned
the defendant paying the costs
except an atty's fee.

Logan Mang

W. J. Secree

Funeral

Joseph Hillis

April 7, 1888

Entab. City of St.

pay 155 -

Byatt 200

Enter this

Apr 6 - 1888

H. S. M.

Loftin. Manners Plff
vs
Jos. Willis Defts } In Chy

This cause came on
this day to be heard upon the
papers formerly read in the cause
and the case was argued by
counsel, and Joseph asked leave
to file his answer to a Petition of
Hagan & Pridemore and to file
his answer to a Petition of H. H.
Bramm in said cause, both of
which answers were accordingly
filed, and this cause is com-
mitted to Coun. H. J. Morgan
and the same duties are enjoined
upon him as before enjoined
of him in this cause. And the
cause is continued.

Laften Manors
vs. Decree
Jos. Wallis et al.
Entered Page 157.
Jos. H. Orr Clk.

Nov. 1881

Loften Maness }
as } In Chancery
Jo^l Willis et al. }

This cause came on this day to be heard upon the papers heretofore read, and the plaintiff admitting that since the last term of the court the defendant Jo^l Willis has secured his debt and costs by a deed of trust, on his motion of the plaintiff this suit is dismissed as to him and the petitioning creditors St. St. Brazier and Hagan & Pridmore have leave to prosecute the same for their benefit and at their cost and expense hereafter.

Loften Marces
vs 3 Deere
Jo^l Willis et al

Entered Page 1. 7.
per Will (Dec 10)

Enter this Deeree
per A. K.
March 31. 1861

Loften Maness plaintiff
vs.
Joseph Willis et al

for Chy

This cause came on this day to be heard on the bill of the Plaintiff taken for Compulsory as to Joseph Willis, and W. W. Sage, the answer of A. R. Suggs, with general replication thereto, the petitions of Patrick Sagen and Ad. Pudmore & of H. H. Beazley. The Petitions filed in the cause and was argued by counsel.

On consideration whereof it is adjudged, ordered and decreed that H. J. Morgan, a Commissioner of this Court, do take an account of the liens upon the defendant Willis' land and of their priorities. And any lien holder, who will come in under this decree, and submit to the jurisdiction of the Court, may prove before said Commissioner his lien, and have the same allowed. Said Commissioner will report to Court & the cause is continued.

Laften Maness

vs { Decree

Jos Willis et al

Ent page 74
J. W. Ord.

Enter this

J. A. L.

Decr 4/79

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING;

We Command You to Summon

Joseph Willis, W. W. Sage
Trustee in a deed of trust executed to him by
Joseph Willis for the benefit of A. R. Surgenor
and A. R. Surgenor.

To appear before the Judge of the Circuit Court of Lee County, at the Court-House, in the Clerk's Office at

Rules next, to answer a bill in Chancery, exhibited in our said Court against

July
them by Loftis Mauness

And have then there this writ. WITNESS, James W. Orr, Clerk of our said Court, at the Court-House, this *26th*
day of *May*, 1878, in the 10 *2* year of the Commonwealth.

R. W. Orr **CLERK.**

Agers.

Loftus Mauss

vs B. Spahr Esq.

Joseph Willis et al

July Rules 1878.

Entered June 3. 1878
by delivering a copy
of the within to the
Defendants
Thos J. Ely D.
for T. S. Ely & Co